

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION**

**MATTHEW THOMPSON,**

Plaintiff,

v.

**Case No.: 4:14-cv-465-RH-GRJ**

**B. SMITH, et al.,**

Defendants.

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**DEFENDANTS' MOTION TO DEPOSE THE PLAINTIFF**

Defendants **Price, Sikes, and Smith** ("Defendants"), through undersigned counsel and pursuant to Federal Rule of Civil Procedure 30(a)(2)(B), respectfully move for leave to conduct a deposition of the Plaintiff. In support, Defendants submit the following memorandum of law:

1. Plaintiff, Matthew Thompson ("Thompson" or "Plaintiff"), at the times alleged in the Second Amended Complaint (Doc. 43 ("Complaint")), was and is a state prisoner in the custody of the Florida Department of Corrections ("FDC" or "the Department") and is currently assigned to the Walton Correctional Institution. See Department's Offender Search page, <http://www.dc.state.fl.us/AppCommon> (last visited Mar. 17, 2017) (FDC# R64543).

2. This is a 42 U.S.C. § 1983 action pertaining to events that allegedly occurred at Liberty Correctional Institution with the following claims proceeding through discovery: First Amendment retaliation claims against defendants Smith, Sikes, and Price; and Eighth Amendment chemical-agents claims against defendants Smith and Sikes. (Docs. 43, 54, 55.)

3. The Defendants filed their answer to the Complaint on December 8, 2016 (Doc. 57.) The deadline for discovery is April 28, 2017. (Doc. 56.)

4. For the purposes of preserving Plaintiff's testimony and to determine the basis of the claims raised in the Complaint (Doc. 43), the Defendants seek leave to depose the Plaintiff pursuant to Rule 30(a)(2)(B), Federal Rules of Civil Procedure.

5. The deposition would be conducted at Plaintiff's current custodial institution. He is currently incarcerated at Walton Correctional Institution at 691 Institution Road, DeFuniak Springs, Florida 32433. The deposition can be coordinated and scheduled with the institution on reasonable notice.

**WHEREFORE**, for the foregoing reasons, the Defendants respectfully request the Court for leave to conduct a deposition of the Plaintiff at his custodial institution.

Respectfully submitted,

**PAMELA JO BONDI  
ATTORNEY GENERAL**

/s/ Marcus O. Graper  
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**CERTIFICATE OF WORD COUNT**

**I hereby certify** that, in accordance with Northern District of Florida local rule 7.1(F), the total word count for this motion and memorandum is less than 500 words.

/s/ Marcus O. Graper  
**MARCUS O. GRAPER**

**CERTIFICATE OF SERVICE**

**I hereby certify** that a true and correct copy of the foregoing *Defendants'* *Motion to Depose the Plaintiff* has been furnished U.S. mail to: **Matthew Thompson**, DC# R64543, Walton Correctional Institution, 691 Institution Road, DeFuniak Springs, Florida 32433, on this 17th day of March, 2017.

/s/ Marcus O. Graper  
MARCUS O. GRAPER